

**ASSEMBLY BILL**

**No. 1636**

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**Introduced by Assembly Member Monning**

February 9, 2012

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An act to add Section 1348.10 to the Health and Safety Code, relating to health.

LEGISLATIVE COUNSEL'S DIGEST

AB 1636, as introduced, Monning. Health and wellness programs.

Existing law provides for the licensure and regulation of health care service plans by the Department of Managed Health Care. Existing law provides for the regulation of health insurers by the Department of Insurance. The California Health Benefit Exchange is established in state government to facilitate enrollment of qualified individuals in qualified health plans. The State Department of Public Health is authorized to perform specified activities relating to the protection, preservation, and advancement of public health.

This bill would require the Department of Managed Health Care, in collaboration with the Department of Insurance, the California Health Benefit Exchange, and the State Department of Public Health, to convene a special committee to review and evaluate health and wellness incentive and rewards programs offered by health care service plans, health insurers, and employers. The bill would require the committee to evaluate these programs for effectiveness based upon scientific evidence and to examine the extent to which these programs may result in specified discrimination. The bill would require the committee to meet publicly and would require the first meeting to be conducted no later than March 30, 2013.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 1348.10 is added to the Health and Safety  
2 Code, to read:  
3 1348.10. (a) The Department of Managed Health Care, in  
4 collaboration with the Department of Insurance, the California  
5 Health Benefit Exchange, and the State Department of Public  
6 Health, shall convene a special committee to review and evaluate  
7 health and wellness incentive and rewards programs offered by  
8 health care service plans, health insurers, and employers.  
9 (b) The committee shall focus on the study of programs that  
10 provide incentives and rewards for enrollees, insureds, and  
11 employees to become more engaged in their health care and make  
12 choices that support health promotion and wellness, including  
13 worksite wellness programs and programs that offer or require  
14 health risk appraisals, screening services, smoking cessation, health  
15 premium reductions, differential copayment or coinsurance  
16 amounts, and cash payments related to health promotion activities.  
17 (c) The committee shall evaluate these programs for  
18 effectiveness based upon scientific evidence. The committee shall  
19 examine the extent to which these programs may result in  
20 discrimination based upon income, age, gender, race, ethnicity,  
21 medical condition, genetic information, claims experience, medical  
22 history, evidence of insurability, or any other health status-related  
23 factor.  
24 (d) The committee shall meet publicly and engage experts and  
25 stakeholders in its deliberations. The first meeting of the special  
26 committee shall be conducted no later than March 30, 2013.

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